

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT T. STOOKSBURY, JR.,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:09-CV-498-TAV-HBG
)	
MICHAEL L. ROSS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge H. Bruce Guyton on January 27, 2014 [Doc. 1189]. In the R&R, Magistrate Judge Guyton recommends that the Motion for Clarification [Doc. 963] be granted and that the receivership be concluded. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

After a careful review of the matter, the Court is in agreement with Magistrate Judge Guyton’s recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 1189], and hereby **GRANTS** the motion for clarification [Doc. 963]. In addition, the Court hereby **ORDERS** that:

1. from entry of this order until entry of the final order concluding the receivership, the receiver is charged with concluding the receivership in an orderly manner consistent with the goal of preserving the assets identified as receivership property;
2. the receiver, through his counsel, shall file a written proposal for the winding down and conclusion of the receivership within thirty (30) days of entry of this order, which shall (a) outline a procedure and process for concluding the receivership within one hundred twenty (120) days of the Court's approval of the proposal, (b) address the expenses and fees of the receivership, including a schedule of the fees and expenses that have been paid, the fees and expenses that have been approved but not paid, and the fees and expenses that have not yet been approved or paid, (c) address the procedure for liquidating assets and satisfying plaintiff's judgment and other potential creditors, and (d) address any other matters that he, in his discretion, deems appropriate;
3. the receiver shall file, contemporaneously with the proposal for the winding down and conclusion of the receivership, a proposed order adopting and incorporating his proposal for signature by the undersigned, which the undersigned will review for reasonableness and appropriateness; and

4. any objections to the receiver's proposal or the proposed order shall be presented to the Court within ten (10) days of the receiver's filing of the proposal and proposed order.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE